

## **REMARKS**

In response to the Office Action dated July 29, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 3, 11, 13, 19, and 21-23 are pending in this application. Claims 2, 12, and 20 were previously canceled, and claims 4-10, 14-18 were withdrawn by restriction.

### **Objection to the Drawings**

The Office objected the drawings as failing to show every claimed feature. The Office, in particular, objects to the claimed longitudinal portion with a spiral groove and an end portion. These features, however, have been canceled from the claims, so the objection is moot.

### **Objection to Amendment**

The Office objected to the amendment filed June 6, 2008 for introducing new matter. The Office, in particular, finds no support for a convexly shaped bottom floor of each groove. These features have been canceled.

### **Rejection of Claims Under 35 U.S.C. § 112, first paragraph**

Claims 1, 3, 11, 13, 19, and 21-23 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office, in particular, finds no support for a convexly shaped bottom floor of each groove. These features have been canceled, so the rejection is moot.

### **Rejection of Claims Under 35 U.S.C. § 112, second paragraph**

Claims 1, 3, 11, 13, 19, and 21-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office, in particular, finds no enablement for wires attached to the fish tape. These features have been canceled, so the rejection is moot.

**Rejection of Claims Under 35 U.S.C. § 103 (a)**

Claims 1, 3, 11, 13, 19, and 21-23 were rejected under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 5,505,432 to Noonan in view of U.S. Patent 4,926,518 to Mikol and further in view of U.S. Patent 5,221,099 to Jansch.

The proposed combination of *Noonan*, *Mikol*, and *Jansch*, however, cannot obviate these claims. These claims recite, or incorporate, many features that are not disclosed or suggested by *Noonan*, *Mikol*, and *Jansch*. Independent claim 1, for example, recites “*each groove having a terminus at which the open slot terminates at a semi-circular end wall blending to the wider bottom floor.*” Support for such features may be found at least in the as-filed application at FIG. 5. Independent claims 11 and 19 recite similar features.

*Noonan*, *Mikol*, and *Jansch* cannot obviate all these features. *Noonan* describes a fish tape with an anti-snagging roller. *Mikol* discloses an auger for cleaning drains. *Jansch* describes a torque clamp having a dove-tail shaped tongue and groove. Still, though, the proposed combination of *Noonan*, *Mikol*, and *Jansch* fails to teach or suggest a dove-tail shaped tongue and groove that has “*a terminus at which the open slot terminates at a semi-circular end wall*” (emphasis added). Moreover, *Noonan*, *Mikol*, and *Jansch* also fail to teach or suggest “*blending to the wider bottom floor*” (emphasis added). Because the combined teaching of *Noonan*, *Mikol*, and *Jansch* fails to teach or suggest all these features, the independent claims cannot be obviated by *Noonan*, *Mikol*, and *Jansch*.

Claims 1, 3, 11, 13, 19, and 21-23, then, are not obvious. The independent claims recite many features that are not taught or suggested by *Noonan*, *Mikol*, and *Jansch*. The dependent claims incorporate these same distinguishing features. One of ordinary skill in the art, then,

would not think that claims 1, 3, 11, 13, 19, and 21-23 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

---

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390